

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANDRIAN SHERMAN,)	CASE NO. C07-0778-MJP-MAT
)	
Plaintiff,)	
)	
v.)	ORDER RENOTING PLAINTIFF'S
)	MOTION FOR SUMMARY
PATRICK BARNES, et al.,)	JUDGMENT
)	
Defendants.)	
_____)	

Plaintiff is a prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has filed a motion for summary judgment. (Dkt. No. 22). The motion for summary judgment is noted for consideration on October 26, 2007. (Dkt. No. 26). By previous Order, the Court set a discovery deadline of November 1, 2007, in this matter. (Dkt. No. 19). On October 22, 2007, defendants filed a response to the motion for summary judgment, seeking time to finish their discovery and file a later response to plaintiff's motion. *See* Fed. R. Civ. Pro. 56(f). Having reviewed plaintiff's motion, defendants' response, and the balance of the record, the Court does hereby find and ORDER:

(1) Because the discovery deadline in this case has not yet passed, it is entirely reasonable for defendants to seek additional time in order to properly respond to plaintiff's motion for summary judgment, or to file a cross motion for summary judgment on their own.

01 Accordingly, the Clerk shall RENOTE plaintiff's motion for summary judgment for consideration
02 on **November 30, 2007**. Defendants shall file their response no later than **November 26, 2007**.
03 Plaintiff may file a reply no later than **November 30, 2007**.

04 (2) The Clerk is directed to send copies of this Order to plaintiff, to counsel for
05 defendants, and to the Honorable Marsha J. Pechman.

06 DATED this 30th day of October, 2007.

07
08 
09 Mary Alice Theiler
United States Magistrate Judge